

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

Mandy Chaffin, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: 01-1110-JTM
)	
Kansas State Fair Board, et al.,)	
)	
Defendants.)	
_____)	

ORDER

_____NOW this 21st day of June, 2005, the above captioned matter comes before the United States District Court for the District of Kansas before the Honorable J. Thomas Marten.

On November 16, 2004, a hearing was held in the above captioned matter before the Honorable J. Thomas Marten, United States District Court Judge for the District of Kansas, sitting in Wichita, Kansas. Plaintiffs appeared telephonically by and through counsel, David Calvert. Defendants appeared telephonically by and through counsel, Harry Kennedy.

Pursuant to Defendants' submission of an ADA Self Evaluation and Transition Plan on or about May 21, 2004, and Plaintiffs' opportunity to respond in kind, the hearing was held to identify any remaining issues requiring proceedings before this Court.

The Court, having considered the arguments of the parties and all supporting memoranda,

HEREBY ORDERS:

1. Defendants self-evaluation and transition plan (and supplement) that were filed with this Court in May 2004 and October 2004 complies with the previous Orders of this Court and the United States Court of Appeals for the Tenth Circuit. The self evaluation and transition plan also complies with the Americans with Disabilities Act, and the Code of Federal Regulations, specifically, 28 C.F.R. 35.130 and 35.150(d).

2. The Kansas State ADA Coordinator or their equivalent must be designated as responsible for oversight and implementation of the self evaluation and transition plan under 28 CFR 35.150(d).

3. Based on the facts of this case, vertical dispersion of seating in the Kansas State Fair Grandstand is not feasible or reasonable and is not required by the Americans with Disabilities Act. As such, Defendants' proposal (as stated in the self evaluation and transition plan) to renovate the front of the State Fair Grandstand to provide at least 101 accessible seats, without vertically dispersing those seats into the upper levels of the Grandstand, provides meaningful access to the programs provided at the Grandstand.

4. The issue of an award of attorney fees and expenses is being resolved through separate proceedings

5. As a result of this Final Order, the above-captioned matter is now officially closed and all litigation related to the above-captioned matter in this Court is terminated, with the exception of the attorneys' fees issues.

IT IS SO ORDERED this 21st day of June, 2005.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE